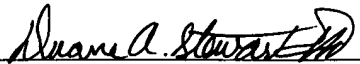


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Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

  
Buchanan Ingersoll PC

Atty. Ref. No. 031001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                         |   |                             |
|-------------------------|---|-----------------------------|
| In re Application of:   | : | <b>PATENT APPLICATION</b>   |
|                         | : |                             |
| Paul D. Hanke           | : | FEEDBACK-RESISTANT PYRUVATE |
|                         | : | CARBOXYLASE GENE FROM       |
|                         | : | <i>CORYNEBACTERIUM</i>      |
| Serial No.: 09/974,973  | : |                             |
|                         | : | Group Art Unit: 1652        |
| Filed: October 12, 2001 | : | Examiner: Slobodyansky, E.  |

Pittsburgh, Pennsylvania 15219  
August 25, 2004

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**AMENDMENT D AND REPLY TO NON-FINAL OFFICE  
ACTION**

Sir:

This is in response to the Non-Final Office Action mailed April 6, 2004, in connection with the above-identified application, having a shortened statutory period for response set to expire on July 6, 2004. In response, Applicant is filing herewith an Amendment and Reply to Non-Final Office Action. A request for extension of time to September 6, 2004, is included herein with the appropriate fee and is believed to make this Amendment and Reply timely.

1 of 17 Pages

08/27/2004 JBALINAH 00000047 09974973

02 FC:1201 172.00 OP

02 FC:1202 234.00 OP

Applicant respectfully requests that the amendments included in this Amendment D be entered.

The Examiner's objections and rejections have been carefully considered, and in view of the following remarks and amendments, reconsideration and early allowance of all pending claims, including those new claims added by amendment herein, are respectfully requested.

Please amend this application as follows:

**Amendments to the Specification** begin on page 3 of this Amendment.

**Amendments to the Claims** are reflected in the Listing of Claims which begins on page 4 of this Amendment.

**Amendments to the Drawings** begin on page 10 of this Amendment and include both an attached replacement sheet and an attached annotated sheet showing changes made to Figure 4.

**Remarks/Arguments** begin on page 11 of this Amendment.

An **Appendix** including amended drawing figure, drawing figure showing changes, and a Deposit Receipt is attached following page 17 of this Amendment.